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EXAMINER	
MCCORMICK, GABRIELLE A	

ART UNIT	PAPER NUMBER
3629	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/686,608	CASEY ET AL.	
	Examiner	Art Unit	
	Gabrielle McCormick	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13,20 and 59-75* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13, 20 and 59-75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on April 23, 2009.

2. Claim 13 has been amended.

3. Claims 59-75 have been added.

4. Claims 1, 4-5, 8-12, 14, 16, 19, 21-23 and 25-28 have been canceled.

5. Claims 13, 20 and 59-75 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 13, 20, 59-75 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

8. Claims 13, 20, 59-63 and 70-75 contain limitations for "computer-readable medium encoding instructions...wherein said instructions include…providing a set of core applications…providing a customer channel interface for interconnecting a set of customer channels…and the set of core applications…providing…management access interfaces for interconnecting…channel with the set of core applications…providing an enforcement database...transform the border management data into intelligence.."

9. The Examiner maintains that neither the specification nor the figures provide adequate disclosure of the capabilities of the computer-readable medium encoding instructions as claimed. Applicant asserts that Figure 5, in depicting a system, discloses the capabilities of the computer-readable

encoding instructions. The Examiner acknowledges that software is inherent in the operation of some system components such as a work station, laptop cell phone and pager, however, these inherent software applications do not disclose the capabilities of the claimed subject matter such as providing interconnections or transforming data into intelligence.

10. Claims 59, 64 and 71 recite analyzing data by applying neural networks, decision tree analysis, data recognition techniques, and rules-based algorithms to synthesize information, identify patterns, analyze historical information, and develop risk scores.

11. P[00084] discloses that data warehousing and mining environments support the identification of threats… "data warehousing solutions allow **enforcement officials** to synthesize information, identify patterns, analyze historical information, develop risk scores and form intelligence. Data mining includes such applications as rules-based analysis, neural networks, decision tree analysis, and other data recognition techniques."

12. The above excerpt does not provide a sufficient disclosure for the claim of using the data mining tools to produce to synthesized information, patterns risk scores, etc. P[00084] discloses that **enforcement officials** perform the synthesis, analysis and scoring.

13. Further, the specification does not disclose how the neural networks, decision tree analysis, data recognition techniques, and rules-based algorithms operate (in combination or singly) to synthesize information, identify patterns, analyze historical information, and develop risk scores.

14. These recitations do not provide enablement for how one of ordinary skill in the art would make or use the invention. Due to the plethora of categories of data that could be potentially collected and analyzed, and the multitude of possible transformations of data using tools such as algorithms and neural networks, it would require **undue experimentation** in order to make or use the invention. Additionally, the specification does not provide any working examples, nor does it recite the type of data collected, the algorithms or neural networks used, or the inputs for scoring risk. One of ordinary skill in the art would not be able to use the invention to determine risk scores.

15. Claims 63 and 75 contain the limitation of "the shared security and integration open architecture further monitors access to the external data sources". The Examiner asserts that this is new matter.

16. P[000144]: Through this communication path access to the applications and data maintained on the intelligence infrastructure 1400 is monitored. Fig. 14 depicts a path from the external data sources 1480 to the Security and Integration Open Architecture 1420 to the Aggregation Engine 1470. As there is no depiction to the external data sources, there is no disclosure for monitoring access by the shared security and integration open architecture.

17. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

18. Claims 13, 20, 59-63 and 75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

19. Claim 13 recites, "the users" and "the shared border management data the case data the individual data". These terms lack proper antecedent basis.

20. Claims 63 and 75 recite, "the synthesized external data sources". This term lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. **Claims 13, 20, 60-62, 70 and 72-74** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US Pat. No. 6,115,690) in view of Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition").

23. **Claims 13 and 70:** Wong discloses

24. a processor, database storing data, computer-readable medium encoding instruction for implementing an architecture (C12; L55-64). The database management system (DBMS) stores files belonging to different domains, such as products, payments, financial and personnel. (C12; L55-59). These domains represent the provision of a set of core application in a shared applications architecture. Additionally, customer access the system via the Internet to the Web interface of the DBMS through a firewall (i.e., a shared security and integration open architecture to customer access channel) (C12; L64-C13; L7). Management access interfaces are provided to tools for sharing and accessing data among the core applications. (C39; L20-49: managers have the ability to access the system via the web to evaluate individual performance based on the data within the database and data from outside sources (C40; L7-17)). Additionally, management is enabled to perform trend analysis (i.e., a tool) "for understanding interrelationships between various aspects of a business". (C38; L55-58). Wong's system results in a shared application environment (i.e., the various functional aspects of the business process) it which customers and management have access via a web interface. Data is transformed using algorithms (C40; L51-59). The transformation of the data into a human performance evaluation is an example of an intelligence application that transforms data into intelligence because the employee's strengths and weaknesses discovered by the evaluation are used to determine whether training is needed in a certain area. (C41; L41-46). The evaluation uses data from various sources of activity data, including quantity, dollar volume, time, returns and quotes. (C40; L34-50).

25. Wong does not disclose the specific names of applications (process imports, process exports, investigation, entry processing, exit processing, form submission and processing, case

management or intelligence) or that a database is named "enforcement" or the specific descriptions of data as "shared border management", "case" or "individual".

26. However, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The sharing of the business process applications would be performed regardless of names of the applications. Additionally, data would be stored and transformed into intelligence regardless of the name of the data or database.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

27. Wong does not disclose a system or instruction directed to border management.

28. Coalition, however, discloses border management including *a set of core applications for standard border management functions,* (pg. 3; bullet 2) *and case management* (pg. 15; para. 5: centralized applications processing) *and intelligence applications* (pg. 22; para. 11: using technology to report and share intelligence)*; a set of customer channels for providing individual access points for the users of the border management application architecture* (pg. 9; para. 9: electronic reporting for companies (i.e., customers))*; a customer channel interface interconnecting the set of customer channels and the set of core applications* (pg. 7; para. 5 and 7: the Internet interconnects customer channels (i.e., web sites) and applications when the customer is reporting information to the government)*; one or more management access channels for providing access points and tools for the sharing and access of border management data across border management capabilities* (pg. 7; para. 5: the Internet provides access points and para. 10: Canada and US invest in joint systems to create integrated solutions)*; one or more management access interfaces interconnecting the one or more management access channels with the set of core applications* (pg. 7; para. 5 and 7: the Internet interconnects customer channels and applications when the customer is reporting information to the government) and centralized applications processing (pg. 15; para. 5: forms submission and *case management*). By disclosing the Internet and electronic reporting, Coalition inherently discloses computer

interfaces such as keyboards and access channels such as web sites. Coalition discloses a database for sharing data that contains information from immigration, law enforcement and security agencies, international policing agencies and records of entries and exits of visitors and residents. (pg. 16; para. 13- pg. 17; para. 6).

29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a border management directed system, as disclosed by Coalition in the system disclosed by Wong, for the motivation of providing a method of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By combining Wong's business process integration system with the various aspects of border management performed by the governments of Canada and the US, the process of providing the clearance across borders would be streamlined, more efficient and therefore aid in permitting "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12).

30. **Claim 20:** Wong discloses a trend analysis tool (C38; L55-58) and that business processes (i.e., management/administration tool set) include purchasing (i.e., procurement), financial performance (i.e., finance and budgets) and personnel (i.e., human resources) (C5; L56-63) and customer service (C2; L17-18).

31. **Claims 60 and 72:** Wong discloses alerts, (C41; L9) but does not disclose that information includes advance passenger information, denied passenger information, watch lists, case patterns, tips, expired visa and overstay information, investigation initiations and alert list additions.

32. Coalition, however, discloses various forms of information related to border management, including advanced passenger information and overstays (pg. 4; para. 8 and 11), irregular movements of goods and people (i.e., case patterns; pg. 7; para. 12), investigations (pg. 16; para. 7). Coalition discloses information sharing with the police and parole board (pg. 16; para. 4), therefore it is obvious that information would include watch lists, police investigations, alert list

additions and tips as these are old and well known forms of information collected by law enforcement.

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included various forms of information related to border management, as disclosed by Coalition, in the system of Wong for the motivation of expanding the integrated system of Wong to handle the information sharing needs of a customs department.

34. Further, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The gathering of information would be performed regardless of the type of the information.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

35. **Claims 61 and 73:** Wong discloses communicating the intelligence information to a communication device of an officer (C39; L20-24: users of the system with access to the intelligence information include VPs and the president, i.e., officers of the company).

36. **Claims 62 and 74:** Wong discloses a firewall between the Internet (the customer channel interface) and the Web interface of the DBMS (the set of core applications). (C13; L1-4). Additionally, external web authority information is stored for each customer in a customer file. (C18; L42-43).

37. **Claims 59 and 71** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US Pat. No. 6,115,690) in view of Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition") in view of Bian (US Pub. No. 2003/0115133).

38. **Claims 59 and 71:** Wong discloses information synthesis, decision tree analysis, data recognition and algorithms that result in identifying patterns and analyzing historical information.

Data is transformed using algorithms (C40; L51-59). The transformation of the data into a human performance evaluation is an example of an intelligence application that transforms data into intelligence because the employee's strengths and weaknesses discovered by the evaluation (i.e., patterns) are used to determine whether training is needed in a certain area. (C41; L41-46). The evaluation uses data from various sources of activity data, including quantity, dollar volume, time, returns and quotes. (C40; L34-50). Decision tree analysis is exemplified at C41; L13-15.

39. Wong/Coalition does not disclose risk scoring or neural networks.

40. Bian, however, discloses using a neural network and algorithm to detect patterns of data that are characteristic of the outcome one is trying to predict. (P[0029]). A risk score is calculated.

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included using neural networks, as disclosed by Bian, in the system of Coalition for the motivation of using a screening tool, such as a score, to assist in prioritizing investigation needs. (Bian; P[0038]). Coalition is directed toward identifying and communicating high risks in order to effectively use border resources. It is obvious to use data analysis tools, such as neural networks, algorithms and scoring, to prioritize the need to further investigate a movement. It is also obvious to expand Wong to include neural network analysis and risk scoring to further identify trends in data that relate to personnel.

42. **Claims 63 and 75** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US Pat. No. 6,115,690) in view of Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition") in view of Christianson et al. (US Pat. No. 6,085,186, hereinafter referred to as "Christianson").

43. **Claims 63 and 75:** Wong discloses gathering information from multiple external data sources (C40; L9-10) and using this information to generate intelligence (in the form of evaluation information - C41; L41-50).Wong also discloses the use of a firewall that provides security for internal data and allows limited access by customers (C39; L61-62). Though this does not

disclose the monitoring of access to external data sources, it does disclose the ability to monitor and secure access via a firewall to a data source.

44. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included the external data sources requiring access to their data via a firewall, in the system of Wong for the motivation of protecting access to external data based on an authorization level or permission. As Wong teaches, access to data requires security measures. Therefore, it is obvious to employ those security measures with respect to other sources of data.

45. Wong does not disclose an aggregation engine which synthesizes information from multiple external data sources.

46. Christianson, however, discloses an aggregation engine that understands the information returned from each data source in response to a query, eliminates extraneous formatting matter and puts the received information into a common format. (C7; L31-55 and Fig. 3).

47. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an aggregation engine, as disclosed by Christianson, in the system of Wong for the motivation of formatting data obtained from outside sources such that it can be stored in a format consistent with the DBMS.

48. **Claims 64-67** are rejected under 35 U.S.C. 103(a) as being unpatentable over Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition") in view of Wong (US Pat. No. 6,115,690) in view of Bian (US Pub. No. 2003/0115133).

49. **Claims 64 and 67:** Coalition discloses

- receiving border transaction requests at a processing location; storing the requests in a border management knowledge base; processing, in an automated manner, a subset of the requests to determine whether the requests should be granted (pg. 16; para. 14: computerized database to screen visa applicants and applicants for admission to Canada. The screening processing provides the automated manner to determine whether requests

should be granted. Pg. 23; para. 1-3 discloses trade transaction requests that are stored and processed in an automated manner. Pg. 8; para. 5: streamlining of importation is provided after the company has met the investigation criteria. Accounting and reporting are performed electronically, thus a knowledge is used for processing and storing of the data.)

- receiving and storing entry and import data that includes details (pg. 11; para. 1: paperwork and pg. 16; para. 15: database contains records of entries of visitors and residents that is used to track physical presence.)
- generating border intelligence for detecting irregular individual and trade border activity (pg. 7; para. 12)
- advanced passenger information and overstays (pg. 4; para. 8 and 11), irregular movements of goods and people (i.e., case patterns; pg. 7; para. 12), investigations (pg. 16; para. 7). Coalition discloses information sharing with the police and parole board (pg. 16; para. 4), therefore it is obvious that information would include watch lists, police investigations, alert list additions and tips as these are old and well known forms of information collected by law enforcement.

50. Coalition does not disclose monitoring the receipt and storing of data using a security and integration open architecture, analyzing by an intelligence engine, data to generate intelligence using various techniques to synthesize information, identify patterns, analyze historical information and develop risk scores or store the irregular individual activity (i.e., the product of the intelligence analysis) in the database or a shared infrastructure.

51. Wong, however, discloses monitoring the receipt and storing of data using an open architecture (C5; L9-30: users have access to data (i.e., an open architecture) and user activities are tracked (i.e., monitored). Entry errors are detected, flagged and trouble-shooted (C6; L30-55)). Users are authorized (C11; L61-65) and the software provides "end-to-end, business-to-business Web commerce", thus providing both security and integration in a shared infrastructure. (C4; L6-21). Wong discloses information synthesis, decision tree analysis, data recognition and algorithms that result in identifying patterns and analyzing historical information. Data is transformed using

algorithms (C40; L51-59). The transformation of the data into a human performance evaluation (i.e., human resource management) is an example of an intelligence engine that transforms data into intelligence because the employee's strengths and weaknesses discovered by the evaluation (i.e., patterns) are used to determine whether training is needed in a certain area. (C41; L41-46). The evaluation uses data from various sources of activity data, including quantity, dollar volume, time, returns and quotes. (C40; L34-50). Decision tree analysis is exemplified at C41; L13-15. Performance data is displayed (C41; L28-34), thus it is inherently stored.

52. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included open architecture, as disclosed by Wong, in the system of Coalition for the motivation of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By combining Wong's business process integration system with the various aspects of border management performed by the governments of Canada and the US, the process of providing the clearance across borders would be streamlined, more efficient and therefore aid in permitting "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12). The combination of Wong with Coalition also makes it obvious to use the data sharing, tracking and analysis disclosed by Wong to implement Coalition's objective of increasing border security through the sharing of data between the US and Canada. It is obvious to use the capabilities of the system disclosed by Wong to gather data from various sources, and process, track and analyze the data to identify trends that require action.

53. Coalition/Wong does not disclose risk scoring or neural networks.

54. Bian, however, discloses using a neural network and algorithm to detect patterns of data that are characteristic of the outcome one is trying to predict. (P[0029]). A risk score is calculated.

55. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included using neural networks, as disclosed by Bian, in the system of Coalition for the motivation of using a screening tool, such as a score, to assist in prioritizing investigation needs. (Bian; P[0038]). Coalition is directed toward identifying and communicating high risks in order to

effectively use border resources. It is obvious to use data analysis tools, such as neural networks, algorithms and scoring, to prioritize the need to further investigate a movement. It is also obvious to expand Wong to include neural network analysis and risk scoring to further identify trends in data that relate to personnel.

56. **Claim 65:** Coalition discloses border personnel (pg. 12; para. 1) and a system for sharing customs admissibility data, information and intelligence between the Canadian and US Customs agencies (pg. 11;par. 13). Coalition does not explicitly disclose that the communication is from the intelligence engine.

57. Wong, however, discloses communicating the intelligence information to a communication device of an officer (C39; L20-24: users of the system with access to the intelligence information include VPs and the president, i.e., officers of the company).

58. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included communicating from the intelligence engine, as disclosed by Wong, in the system of Coalition for the motivation of fulfilling the recommendation of a system that includes intelligence sharing. It is obvious to use a computer based system, and therefore, an intelligence engine for speed and efficiency in gathering and disseminating information.

59. **Claim 66:** Coalition discloses a database that contains information from immigration, law enforcement, security agencies, international policing agencies and entry/exit records. (pg. 16; para. 15). As previously discussed, Coalition does not disclose an intelligence engine, however, the intelligence engine of Wong is operable to analyze data from external sources (C40; L9-10).

60. **Claims 68 and 69** are rejected under 35 U.S.C. 103(a) as being unpatentable over Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition") in view of Wong (US Pat. No. 6,115,690) in view of Bian (US Pub. No. 2003/0115133) in view of Gugliotta ("American Responds / Terrorist watch list no match for pair / Hijacking suspects eluded all controls" Houston Chronicle. Houston, Tex.: Sep 24, 2001. pg. 1).

61. **Claims 68 and 69:** Coalition discloses a database that contains information from immigration, law enforcement, security agencies, international policing agencies and entry/exit records. (pg. 16; para. 15), a single data clearinghouse for submission of passenger manifest data and circulated to appropriate departments (pg. 17; para. 6), in-transit electronic reporting of documentation to government officials prior to arrival at the border (pg. 23; para. 1) verifying identification (pg. 18; para. 9-11).

62. Coalition does not explicitly disclose that the inspection station has real-time access to the data and information, verifying the identity at the inspection station, determining whether to deny entry based on data and criminal history information and storing the record of the denial in the database.

63. Wong, however, discloses an Internet based system that integrates end-to-end business functions that allows users access to data. Thus, the combination of Wong and Coalition, as discussed above would provide real-time access (via the Internet) to the information in Wong's database of shared business functions.

64. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included real-time access to a database of information, as disclosed by Wong, in the system of Coalition for the motivation of making a database of shared information available to an inspection station, which is a part of the Customs department. It is obvious to provide this access at the inspection station in order to ensure that an officer has the information readily at hand when making a decision regarding entry. Likewise, the access to the database also provides the ability to store a record of the transaction (entry or denial). Coalition discloses that the comprehensive computerized database should include records of entries and exit (pg. 16; para. 15). It is obvious to expand the record keeping to record a denial of entry.

65. Gugliotta discloses that IBIS includes NAILS and integrates database lists of known offenders from Customs, FBI, DEA and other databases. (pg. 2). IBIS thus contains individual entry data and criminal history data and is used at the border to determine whether to clear someone for entry.

66. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included denying entry based on data and criminal history information, as disclosed by Gugliotta, in the system of Coalition for the motivation of preventing undesirable individuals entry to the US.

Response to Arguments

67. Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection.

68. The Examiner asserts that the combination of Wong's system of integrating business processes over the Internet using a shared database that gathers, maintains and analyzes data from the various business processes with Coalition's disclosures of border management produces the invention as in claim 13.

69. The Examiner views the claimed specified types of data and applications as non-functional. Wong discloses providing software to gather, process, store and analyze data. The analysis of data produces "intelligence". The type of data, whether it is related to border management, procurement, sales or human resources, is irrelevant in the context of the claims and is therefore merely non-functional descriptive material.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

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